

Remarks

In response to the Final Action of May 19, 2009, Applicants enclose an amendment and a supplemental information disclosure statement. Favorable consideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-4, 6 and 8-12 are pending. Claims 1-4, 6 and 8-12 have been rejected. Claims 1, 4, 9 and 10 have been amended. It is submitted that no new matter has been added.

Claims 1-4, 6 and 8-12 has been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Examiner asserts that the additional ring members/resultant rings is not set forth and thus reads on broader subject matter than originally described/claimed. The Examiner also asserts that if applicant's intent is to claim only carbon atoms as additional ring members it should be so stated in the claims. In discussing this rejection by telephone, the Examiner confirmed that this rejection applies to the recitation of the feature "R₆ forms together with R₇ a 4-7 membered heterocyclic ring."

In response, claims 1, 4, 9 and 10 have been amended to recite "R₆ forms together with R₇ a 5- or 6-membered saturated heterocyclic ring having only carbons as additional ring members." Support for this amendment to claims 1, 4, 9 and 10 can be found in the specification, e.g., examples 2 and 3 (see also Table 1).

In view of the above, withdrawal of the rejection of claims 1-4, 6 and 8-12 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement, is respectfully requested.

Claims 1-4, 6 and 8-12 has been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner contends that the scope of NR₆/R₇ forming rings as now recited reads on any and all 4-7 membered saturated heterocyclic rings without limitation as to nature of atoms as ring members.

In response, as indicated above, claims 1, 4, 9 and 10 have been amended to recite "R₆ forms together with R₇ a 5- or 6-membered saturated heterocyclic ring having only carbons as additional ring members."

In view of the above, withdrawal of the rejection of claims 1-4, 6 and 8-12 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, is respectfully requested.

A good faith effort has been made to place the present application in condition for allowance. If the Examiner believes a telephone conference would be of value, she is requested to call the undersigned at the number listed below.

Dated: November 18, 2009

Respectfully submitted,

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